

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed November 7, 2008. Claims 1-29 remain pending. Claims 1, 3-9, 11-15, 17, 22, and 27-28 have been amended. Support for the amendments may be found in the specification, claims and drawings as originally filed. No new matter has been added. Reconsideration and reexamination are respectfully requested.

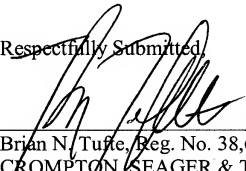
Rejection under 35 U.S.C. § 101

Claims 1-29 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. While Applicants respectfully disagree with the Examiner's conclusions, in the interest of advancing prosecution in a timely manner, independent claims 1, 13, 14, and 27 have been amended to clearly comply with the "machine or transformation" test recently set forth in *In Re Bilski* (Fed. Cir., 2008) (en banc). (See, Guidance for Examining Process Claims in view of *In re Bilski*, http://www.uspto.gov/web/offices/pac/dapp/opla/documents/bilski_guidance_memo.pdf). The claims recite specific and significant steps performed by, and thus tied to, a data processing system. The claims recite more than incidental physical limitations, such as gathering data, field of use limitations or insignificant extra-solution activity. As such, Applicants believe that the claims as amended clearly comply with 35 U.S.C. § 101.

Since no other rejections have been made, Applicants believe that all pending claims are now clearly in condition for allowance. Reconsideration and reexamination are respectfully requested. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully Submitted,

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